

Agenda Item	
	<p>Pledge of Allegiance</p>
A-1	<p>No one wished to be heard during the Open Comment Period.</p> <p>Frederick S. Suhler, Jr. sent an e-mail to the City Clerk asking his comments be a part of the Open Comment Period. Mr. Suhler asked the Mayor to re-consider holding an invocation before each meeting stating it may be offensive to some people because of their own beliefs and traditions.</p>
B-1	<p>The Oath of Office was administered by City Clerk Judy Scherr to Councilmember-at-Large Dennis Hanson, Councilmember 1<sup>st</sup> Ward (Interim) Ed Hruska, Councilmember 2<sup>nd</sup> Ward Marcia Marcoux, Councilmember 4<sup>th</sup> Ward Pat Carr and Councilmember 6<sup>th</sup> Ward Sandra Means.</p> <p>President Dennis Hanson called the meeting to order at 7:00 P.M. with the following members present: Councilmembers Pat Carr, Ed Hruska, Marcia Marcoux, Jean McConnell, Sandra Means, Bob Nowicki. Also present: Mayor Ardeall F. Brede.</p>
D-1	<p>The following address was given by President Dennis Hanson.</p> <p>Good Evening Ladies and Gentlemen, Welcome to the 2005 edition of the Rochester City Council. It is an honor and a privilege to become your Council President for the next four years. I would like to take a few minutes to let you know what issues will be front and center for our community in the upcoming year.</p> <p>In 2004, the city and the Downtown Development Task Force took time to take a new look at the current status of our downtown and to develop a roadmap for an exciting future for our community. The city is extremely grateful to all of the members and citizens involved in that effort and especially to Sandy Keith who chaired the task force. The city is beginning to take some of the first steps recommended in that study by establishing the Downtown Abatement District to provide funds for downtown infrastructure. We also have started meeting with downtown business owners concerning the Downtown Service District. We are hopeful of real tangible progress on Downtown Development in 2005. We also want to recognize several terrific improvements to the downtown in 2004, including the new Broadway Plaza, the Rochester Art Center, and the improvements to Central Park thanks to the work of the Leadership Greater Rochester 2004. I would also like to report that meetings have already taken place with developers locally and nationally to further the presence of a vibrant downtown.</p> <p>There are many critically important legislative issues for the city in 2005. Securing passage of a bonding bill that includes the Rochester bonding projects that were discussed in 2004 is vitally important. Those bonding projects include the Mayo/U of M Genomics project, the Health Sciences Building at the UCR Campus, the regional Public Safety Training Center, the National Volleyball Center addition, and the Olmsted Unit 3 Waste Burner expansion. Other major legislative issues include the extension of the Rochester Sales Tax, Higher Education, and some improvements to the Local Government Aid Program to the city. Both the sales tax</p>

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	<p>extension and an increase in Local government aid will reduce the pressure for increased property taxes.</p> <p>Public safety is an issue that is a key component for the quality of life that we enjoy in our wonderful community. Our city police and fire departments do an extraordinary job in protecting and serving the citizens of Rochester. For them to do the best job possible, we need to make some significant improvements in 2005. The police and sheriff's department have secured funding to dramatically improve radio communications in Olmsted county, which could be interconnected with the statewide system originating in the metropolitan area. However, legislative action is needed both to provide funding for the infrastructure needed to make this connection and some assistance with our local costs. In addition, the proposed regional safety training facility will provide an important venue for training for the National Guard, police, fire and sheriff's departments. Lastly, the city has been planning for a fifth fire station for some time, which has been delayed in part due to the recent reductions in state aid. We are currently planning for this station to be constructed in 2006 with a tentative opening in 2007.</p> <p>Other issues - Relationships with other local governments Potential merging of city county departments Annexation and the Water Reclamation Plant</p> <p>Now, I would like to take this opportunity to tell the community how proud I am to serve you as your council president for the next four years. I want to welcome our new council member Pat Carr, I want to thank Ed Hruska for taking the time to offer his services as the First Ward Councilmember until the special election, and I want to thank the existing council members for their hard work and dedication to the community — Marcia Marcoux, Jean McConnell, Sandra Means, and Bob Nowicki. I would also like to thank the community for their support during the election. I pledge to work hard to make you proud of the fact that you cast your ballot for me. And a very special thank you to my campaign team led by Mr. Chub Stewart and Mr. Joe Powers.</p> <p>Without their passion and pride for this community the outcome of the election could have been very different. I would also like to give a great big thank you to my boss, Brian Hodge who owns Kruse Lumber. He and his wonderful wife Lisa have allowed me to become involved in the community to make it a better place to live.</p> <p>But, the biggest thanks go to my wife Linda. Many nights, she has sat at home at the kitchen table with a place setting of one, as I am out at a meeting or listening to a neighborhood concern. She is truly one of a kind and I will always cherish her love and support.</p> <p>With that this speech is over and in the words of the infamous cable guy, It's time to gitter done!</p> <p>Thank you.</p>
D-2a	<p>Councilmembers Marcoux moved, Nowicki seconded, to adopt Resolution No. 001-05 adopting Roberts Rules of Order for the conduct of business by the Council. Ayes (7), Nays (0). Motion carried.</p>

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D-2b	Councilmembers McConnell moved, Nowicki seconded, to adopt Resolution No. 002-05 adopting the Rules and Regulations for Order of Business of the Council. Ayes (7), Nays (0). Motion carried.															
D-2c	Councilmembers Marcoux moved, Means seconded, to adopt Resolution No. 003-05 establishing committees of the Common Council, prescribing their functions and duties, and providing appointment to members of subcommittees. Ayes (7), Nays (0). Motion carried.															
D-2d	Councilmembers Hruska moved, Marcoux seconded, to adopt Resolution No. 004-05 adopting the order of succession to discharge the duties of the Councilmember-At-Large in the event of absence or disability. Ayes (7), Nays (0). Motion carried.															
D-3	<p>The following Annual Appointments to Various Committees were made by President Hanson.</p> <table><tr><td><u>ROCOG</u> Mayor Brede Nowicki Marcoux Means Ward 1</td><td><u>BD OF EQUALIZATION</u> Nowicki, Chair McConnell Carr</td><td><u>RAEDI</u> Hanson Marcoux</td></tr><tr><td><u>CONVENTION BUREAU</u> Hanson</td><td><u>PASC</u> Means McConnell</td><td><u>HRA</u> Carr</td><td><u>RPU</u> Hanson</td></tr><tr><td><u>AIRPORT COMMISSION</u> Mayor Brede Hanson</td><td><u>ENVIRONMENTAL</u> Ward 1</td><td><u>YOUTH COMMISSION</u> Carr</td><td></td></tr><tr><td><u>PERSONNEL ADVISORY</u> Marcoux – Chair Nowicki Means</td><td><u>JOINT EMERGENCY MANAGEMENT</u> McConnell Ward 1</td><td></td><td></td></tr></table>	<u>ROCOG</u> Mayor Brede Nowicki Marcoux Means Ward 1	<u>BD OF EQUALIZATION</u> Nowicki, Chair McConnell Carr	<u>RAEDI</u> Hanson Marcoux	<u>CONVENTION BUREAU</u> Hanson	<u>PASC</u> Means McConnell	<u>HRA</u> Carr	<u>RPU</u> Hanson	<u>AIRPORT COMMISSION</u> Mayor Brede Hanson	<u>ENVIRONMENTAL</u> Ward 1	<u>YOUTH COMMISSION</u> Carr		<u>PERSONNEL ADVISORY</u> Marcoux – Chair Nowicki Means	<u>JOINT EMERGENCY MANAGEMENT</u> McConnell Ward 1		
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D-4	<p>The following address was given by Mayor Brede.</p> <p style="text-align: center;">State of the City Address – 2005 January 3, 2005 Mayor Ardell F. Brede</p> <p>Good Evening and Happy 2005! I know this may be redundant but I must say it again – what an honor and privilege it is to serve as the Mayor of Rochester. It is a privilege I don't take lightly as I am humbled virtually daily by the experience, be it a group of 3<sup>rd</sup> graders who are touring city hall, at an international celebration in our city or when welcoming a conference or group to Rochester. We have a city we can all be very proud of and I hope I do justice to that with my own pride.</p>															

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It has been another exciting year in this year of celebrating the Sesquicentennial of the founding of Rochester in 1854. Thanks to the hundreds of volunteers who made this such a huge success. However you measure it, it was a WOW!

Our Rochester neighborhoods are getting stronger and are not only building on our past but for the future as well. The NeighborWoods project is another example of why we are annually recognized as a Tree City USA. Thanks to those volunteers and the Rochester Neighborhood Resource Center. And we've had individuals like Heidi Granstrom who inspired others to "Save our Swimming Pool."

Rochester is a caring community that continues to be a welcoming home to many and through our Diversity Council, faith community, schools, neighborhoods, work places and many other venues we strive to become even better. In this new millennium Rochester is adding approximately 2500 citizens per year and in this decade we can expect to reach a population of 100,000.

Rochester is not only a welcoming home to many but also as the Sesquicentennial logo stated, "Host to Millions." In 2004 we hosted some pretty high-profile visitors; John Kerry, President George W. Bush and, arguably, perhaps the most popular Bob Dylan and Willie Nelson who performed at Mayo Field, in a pouring rain before 8100 fans who paid \$45 each. In each of these events the City responded admirably, as one would expect a #1 City!

And while Jefferson Starship "built their city on rock an' roll" we built ARTStoberFest to highlight and recognize all the arts and point out their economic benefits in Rochester. To become an annual event, we anticipate ARTStoberFEST will join Rochesterfest and WinterFest as significant attractions for Rochester. We will formalize an "Arts Commission" to further the arts in Rochester.

The new Rochester Art Center, which glitters by day and night, is expected to be a cornerstone of the "Avenue of the Arts" to complement the Civic/Cultural District of perhaps the 2<sup>nd</sup> Renaissance of Downtown.

We introduced "Our City of Rochester-Coloring & Activity Book" to be given primarily to those 3<sup>rd</sup> graders who tour city hall. This project was illustrated by Ronda McLaughlin and edited by Donna Bussell and Karol Gluth, all city of Rochester employees. We are grateful to the sponsors who underwrote the entire project.

As we continue to "build this city" we are building a lake, Cascade Lake Park. Cascade Lake Park will provide a variety of recreational and educational opportunities. This project, while slightly altered from the original vision, will support a lake with the best possible water quality for the community. It will take several years before we fully realize the beauty of this area but it will be a most significant addition to our trail way and park system.

As a city, Rochester continues to grow, to build. A definition of "smart growth" I recently heard is, being able to differentiate one city from the next. Not to stifle growth, but to be creative, which is the vision for downtown and residential

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expansion. With growth comes pressure to keep up with the necessary infrastructure. Transportation improvements are but one of the areas that are in need. Not only for local streets but those going through our city and county.

Highway 52: what an amazing project to be, for the most part, completed (except for landscaping) this year.

Highway 63: additional work, overpasses etc., are needed. The city is attempting to address these challenges through an extension of the local sales tax for transportation purposes – shared with the county.

Rochester International Airport, which is owned by the City is increasing its capacity and ability to accept additional flights by extending the primary runway. Increased air cargo has made the Airport more competitive as well. Increased passenger and air cargo benefits our local businesses and economy.

In regards to transportation we must be open to new transit possibilities. A high-speed link between Rochester and the Twin Cities may benefit both cities. Within Rochester we must look to the future as well. Would a form of light rail or monorail ease downtown traffic congestion, be more fuel efficient and create less pollution? This is a 21<sup>st</sup> century reality and we must consider the options for continuing to be a “most livable” and progressive city.

Rochester will strongly support the partnership efforts of the University of Minnesota and Mayo Clinic in securing bonding appropriation for the Genomics Project. The entire field of bio-technology is not only vital to Rochester but the entire state of Minnesota. To that end I have been active attending Bio 2004, an International Convention in San Francisco and various Twin Cities bioscience, biotechnology conferences in an effort to “sell” Rochester, Mayo Clinic and the State of Minnesota as a place to grow, relocate or start their business. JobZ and Bioscience Zones in cooperation with the State of Minnesota will help create jobs in our area for local and new businesses.

In 2004 the City worked with Mayo Clinic on a JobZ project that resulted in the creation of new jobs. A potential for far more jobs than were lost when Celestica closed their building and for more jobs than many other JobZ zones in the state combined!

We must be certain the message of Biotech/science and Genomics and its importance is heard and acted upon by our legislators. The City and I will deliver that message, often and aggressively.

On a personal note I was most honored and humbled when invited by Governor Pawlenty to accompany him to Kosovo last July, with business leaders and the Mayors of Mankato and Roseville. The purpose was simple: to thank the troops (over 800 Minnesotans) and to not forget them. The response from parents, siblings, aunts, and uncles etc. to deliver personal messages to their loved one was overwhelming. To be the one to personally deliver that message was, as they say

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"Priceless!" It was an experience I will never forget. God Bless our military and their families.

Tonight, the first council meeting of 2005, I had suggested a change in the agenda – an invocation. In getting feedback from the community I have learned that this is a more divisive issue than anticipated.

I knew there would be controversy – that's OK, but as a city we have issues that need our undivided attention and not diluted by a divisive issue. Therefore I am withdrawing my suggestion and ask for your understanding.

This year I will propose to have a council and department head retreat, most likely after our newest council member from the 1<sup>st</sup> Ward is elected. It is my understanding this has not been formally done for some time. I feel some real benefits can come from this.

While mentioning staff let me say this. With the pressures of reduced resources and a growing city our staff does a remarkable job and continues to have a customer service focus. Whether I'm walking through city hall, visiting all work units during the holidays, doing an overnight at a fire station, or with a police officer, or riding in a snow plow at 4:00 a.m. as I recently did, I am impressed with the work ethic displayed by city employees. A huge thank you and a tip of the hat to each of them.

I mentioned earlier that we would be communicating with our state legislators. In regards to the health of our citizens I encourage the state to move forward on a state-wide smoking ban modeled minimally after what we enjoy in Olmsted County. Other communities including the Twin Cities will be adopting smoking ordinances this year and its time to expand it state-wide. The airline's, New York City; Madison, Wisconsin; Lexington, Kentucky and entire countries, (Ireland and Italy) have adopted a ban. Second-hand smoke is a problem and I would encourage local businesses to move beyond the County ordinance. It intrigues me that we have factual medical data on the dangers of smoking and second-hand smoke and no substantiated evidence locally of West Nile disease in our various storm water ponds and reservoirs; but what did I get calls and emails about? The ponds in our city, to the point of me bringing two county public health experts on my monthly radio show to address the situation and who pointed out that the greatest potential for mosquito larvae hatching was in our own clogged eaves troughs.

An additional health message will be one that I personally need to be more diligent about: Obesity. Major efforts by Mayo Clinic in collaboration with our schools, county and city, and various employers and groups will be focusing on becoming more active by walking more. We will continue to be made aware of what you personally can do to combat this problem. Of course, clean air and water will also continue to receive our attention.

On a more fun side I invite you to consider joining me and my wife Judy by visiting Rochester's first partner city, Moosburg, Germany this fall. Moosburg, Oktoberfest and the Alps promise to be an exciting experience. Call my office for more details.

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	<p>People continue to ask me if I enjoy the job and is it a full-time job –my answer is “Yes” and it’s a full-time JOY! Last year I had about 1028 “events” on my calendar. People seemed amused by this so the count this year is 1302. We did 67 proclamations and not counted were events that ranged from the U.S. Conference of Mayors to Kosovo to the University of Minnesota Women’s Basketball team’s Final Four appearance in New Orleans. What fun.</p> <p>With the U.S. Conference of Mayors I serve on 3 committees: Energy, Homeland Security and International Relations. Additionally I am on 2 State of Minnesota committees: Regent Candidate Advisory Council and Compensation Limit on Local Units of Government.</p> <p>In closing thanks to John Hunziker and Walter Stobaugh for their committed years of service and leadership on the council. Thanks to each of the council members for their dedicated service. While each have their areas of interest and expertise I am impressed that their individual agendas’ basically address what is best for the city of Rochester. As a city and new council I ask that we build on common ground and at the same time, create a margin for disagreement that allows us to live with our differences – differing opinions without dissension. Thanks to Donna Bussell my associate for trying to keep me on track and on time to the next scheduled event. Her knowledge and historical perspective of county and city government is invaluable. And last, but certainly not least, thanks and love to my wife Judy. A personal resolution for me will be to schedule more personal time for us. It is great that she shares my passion for Gopher athletic events but there are a lot of restaurants in Rochester that we can visit and enjoy together.</p> <p>So, to the citizens, developers, builders, and businesses in Rochester, city council and city staff, thanks for your support, together we can make 2005 another great year in Rochester.</p> <p>Thank you and Happy New Year!</p> <p>Ardell F. Brede</p>
D-5	<p>Councilmembers Hruska moved, Marcoux seconded, to designate the Rochester Post Bulletin as the official newspaper to publish the official printing and advertising of the City of Rochester for the official year commencing January 3, 2005, at the rate established by the statutes of the State of Minnesota for legal publications. Ayes (7), Nays (0). Motion carried.</p>
D-6-19	<p>Councilmembers Marcoux moved, McConnell seconded, to approve the following consent agenda items.</p>
D-6	<p>Approved the minutes of the December 6, 2004, Council meeting.</p>
D-7	<p>Approved the appointment of Thomas Sherman, Ph.D. to the Library Board for the period running to January 1, 2008.</p>

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D-8	Approved the establishment of Mayor and City Councils' 2005 compensation and directed the City Attorney to prepare the required Ordinance for adoption.
D-9	Adopted Resolution No. 006-05 and 007-05 increasing the City of Rochester's mileage reimbursement rate from 37.5 cents to 40.5 cents and increasing the Mayor/Council monthly mileage reimbursements by 8 percent effective January 1, 2005.
D-10	Approved the amendment to RCO 138A to allow for penalties for falsely requesting or obtaining residential permit parking tags and instructed the City Attorney to prepare the required Ordinance for adoption.
D-11	<p>Approved the following licenses and miscellaneous activities:</p> <p><u>Gambling – Temporary</u>  Ben Franklin PTSA – Raffle at School – February 24 and May 6, 2005.  RCTC Foundation – Raffle at Kahler Hotel – January 27, 2005 – Raffle at RCTC – February 14, 2005.  Bluffland Whitetails Association – Raffle at Radisson Hotel – February 18, 2005.  Bearcreek Longbeards – Raffle at Elks Lodge #1091 – April 9, 2005.</p> <p><u>Gambling – Premise Permit</u>  Rochester Juvenile Hockey Association – at Colonial Lanes.</p> <p><u>Miscellaneous Activities</u>  Optimist Club of Rochester – Frozen Goose Relay at Eastwood golf Course – February 5, 2005.  NAACP Annual Martin Luther King March – January 17, 2005.</p>
D-12	See at end of D Items.
D-13	Adopted Resolution No. 008-05 closing completed improvement projects, or completed phases within specific projects, and transferring unexpended balances pursuant to the City Charter, Section 11.10, and to transfer the stated amounts to fund active projects listed to other categories noted.
D-14	Accepted the donation of \$200 from the Rochester Area Quality Council for the Rochester Fire Department to use in Fire Prevention programs.
D-15	See at end of D Items.
D-16	See at end of D Items.
D-17	See at end of D Items.
D-18	Adopted Resolution No. 009-05 approving the Rochester Police Department applying for and accepting equipment and training from the Office of National Drug Control Policy Counter Drug Technology Assessment Center.



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D-19	Adopted Resolution No. 010-05 authorizing the City Clerk to advertise for bids for Project No. J-1003 "Demolition of the Former Art Center Facility".
D-20	<p>Adopted Resolution Nos. 011-05, 012-05, 013-05, 014-05, and 015-05 designating Depositories, authorizing Facsimile Signatures and authority to Initiate Investments and Assignment of Securities for the City of Rochester.</p> <p>Ayes (7), Nays (0). Motion carried.</p>
D-12	<p>Councilmember Carr asked for a detailed accounting of what constituted the accounts payable. Finance Director Dale Martinson told Councilmember Carr that access would be given to him to peruse the disbursements through a password-protected internet connection for councilmembers. Councilmember Carr asked if a summary with greater detail could be provided.</p> <p>Councilmembers Carr moved, Hruska seconded, to approve Accounts Payable in the amount of \$7,921,395.16 and Investment Purchases of \$7,277,742.22. Ayes (7), Nays (0). Motion carried.</p>
D-15	<p>Councilmember Carr noted his relationship with Local #49.</p> <p>Councilmembers Nowicki moved, Marcoux seconded, to adopt Resolution No. 016-05 approving the Labor Agreement for 2005-2007 with Local #49, Parks and Recreation. Ayes (7), Nays (0). Motion carried.</p>
D-16 & D-17	<p>Councilmember Nowicki recognized the promotion of two fine officers with the Rochester Police Department.</p> <p>Councilmembers Nowicki moved, Means seconded, to acknowledge the promotional appointment of Scott Tulus to the position of Police Lieutenant effective January 6, 2005, and Tom Kaase to the position of Police Sergeant effective January 6, 2005. Ayes (7), Nays (0). Motion carried.</p>
E-1	<p>A Hearing on Type III, Phase III Conditional Use Permit #04-41, by William Radichel. Proposing to fill in the 100-year Flood Fringe District to elevate property for commercial development located north of TH 14, east of West Circle Drive and south of the railroad right-of-way.</p> <p>Staff recommended that the hearing be continued to January 19, 2005, to allow the revised grading plan to be reviewed.</p> <p>Councilmembers Means moved, Marcoux seconded, to continue the hearing on Type III, Phase III Conditional Use Permit #04-41, by William Radichel to January 19, 2005. Ayes (7), Nays (0). Motion carried.</p>
E-2	A Hearing on Type III, Phase I, Appeal #04-04 of the Rochester Planning and Zoning Commission's denial on December 1, 2004, of Variance Request #04-20 by Loren and Victoria Fabian to Section 60.720 of the LDM to the 10-day time period

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in which an appeal may be filed. The variance was filled in regards to the bufferyard recently constructed at the McDonalds on North Broadway.

Wishing to be heard was Victoria Fabian, 20 12<sup>th</sup> Street N.E. Ms. Fabian's home is located next to the McDonald's site. Ms. Fabian said that the McDonald's project was approved by the Council in June 2004. The plans, submitted at that time, were the ones that the neighborhood residents thought would be followed. The neighbors were unaware that the Planning and Zoning Department could change plans without notification to the surrounding residents. There was also a commercial light placed in the buffer area without anyone's knowledge. A pole with two lights was placed on the front and back of her property; all the other light poles consist of a single light. Why two lights next to her house and the rest only one? Ms. Fabian said that from the blueprints, the buffer zone was to be 10 feet 6 inches from the property line to the fence next to the curb. When the curb and gutter frames were set, before the cement was poured, Ms. Fabian took a measurement and it was 9 feet 11 inches from the property line. The Planning and Zoning Department said that they would not make McDonald's move the curb and gutter because of a few inches of discrepancy. When the holes were dug for the fence, they were 43 inches from the property line. Planning and Zoning informed the Fabians that the fence would need to be moved because blueprints showed it next to the curb. The fence was erected where it was; Planning and Zoning approved the fence to be left where it was. Ms. Fabian said that there is only a 10-day appeal process. The plans were submitted in June. The fence was placed in September not allowing for the appeal.

Wishing to be heard was Steve Bieniek, Benike Construction, construction manager for the McDonald's reconstruction project. He said that the buffer yard is a true 10 feet. A 10 foot 6 inch dimension is spelled out in documents from the property line to the face of the curb. There is a 10 foot buffer yard on the McDonald's side of the property. Nothing has encroached on the other side of the property line. The fence was placed at the mid-point; posts placed 5 feet from the property line and when the fence was erected, provides a visual add to the property that wasn't there before. The placement of the fence is not specifically indicated within the ordinance. The fence was placed and constructed with the prior approval of Planning staff. They have reviewed the lighting and have lowered the candle power for the lights at the property line to as close to zero as possible.

Wishing to be heard was Leona Hansen, 20 11<sup>th</sup> Street N.E., bordering the McDonald's property. She had asked McDonald's to place a sign that the entrance is not for the public to use for takeout orders. She does not want the takeout entrance to be on 11<sup>th</sup> Street. Traffic should be directed as much as possible to the Broadway entrance/exit and not into the alleyway of a residential neighborhood.

Having no one further wishing to be heard, President Hanson closed the hearing.

Councilmembers Nowicki moved, McConnell seconded, to approve Variance Appeal #04-20 by Loren and Victoria Fabian to Section 60.720 of the LDM and directed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.

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E-3

A Hearing on Preliminary Plat #04-33 to be known as Morris Hills by Morris Hills Land Development LLC, including approval of a Substantial Land Alteration permit, located east of TH 63 and Vikings Hills development, north of Northwoods Hills Subdivision and west of the Stonehedge Development.

Wishing to be heard was Wade DuMond, Yaggy-Colby Associates, representing the developer. He said one issue was the intersection of Highway 63 and 41<sup>st</sup> Street. A traffic study has been initiated that the City and MnDot will be reviewing. He said that on Condition #4, payment of a Storm Water Management Fee would be applicable; but the General Development Plan was approved with a stormwater pond that served a portion of the property. The property may not have to pay the fee; the cost will be worked out with Public Works. Condition #13 indicates a proposed street width narrower than what was planned but can be worked out with the Public Works Department as well. Mr. DuMond noted agreement with the conditions.

Wishing to be heard was Jan Thronson, 925 Northway Lane N.E. Mr. Thronson said he was opposed to the development. Three hundred plus homes on top of the hill and only one access will not work. Highway 63 goes from four lanes to two lanes near 41<sup>st</sup> Street and will not be able to handle the traffic. He has concerns about access from his home. He has been told that Circle Drive will be a right-turn only intersection coming from Viking Hills/Northern Subdivision. Currently there is a lot of congestion and traffic accidents at the Chateau Theatre access to Circle Drive.

Wishing to be heard was Dave Kennedy, 925 Northland Place N.E. Mr. Kennedy said that he has attended all of the meetings about the development. He is concerned about the Highway 63/41<sup>st</sup> Street intersection as well. He would like to see a final plan on what will be done prior to additional traffic coming down the hill from the new subdivision before the preliminary plat is approved.

Richard Freese, Public Works Director, noted that until adequate public facilities are in place, no development can proceed. Condition #3 requires a phased approach to the development. The traffic conditions at the intersection of Highway 63 and 41<sup>st</sup> Street will be addressed as each phase comes forward. MnDot will determine the design for the intersection as the controlling road authority and will determine when the traffic signal is installed.

Phil Wheeler, Planning and Zoning Director, said that before anything can proceed, there must be a final plat but only once the 14 conditions of the Preliminary Plat have been met. Lots cannot be sold and no development can be done until that time.

Wishing to be heard was Jan Thronson, 925 Northway Lane N.E. More houses have been added to the preliminary plan, walkways have been removed, wetlands will be designated parkland because it's undesirable, and there is shale rock on the top of the hill that has to be worried about. The traffic problem is going to be a problem and 127 houses is a lot of houses coming down one roadway.

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	<p>Wishing to be heard was Dick Argue, Zumbro Falls, one of the developers of Morris Hills. Mr. Argue said that it would probably be one year before a final plat would be ready. He expects that the subdivision would be constructed in four-phases over the next seven years. The first phase will primarily be along 41<sup>st</sup> Street.</p> <p>Having no one further wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmembers Marcoux moved, Nowicki seconded, to approve Preliminary Plat #04-33 to be known as Morris Hills by Morris Hills Land Development LLC with 14 conditions, adopt Resolution No. 017-05 approving the Substantial Land Alteration and directed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p>
E-4	<p>A Hearing on Preliminary Plat #04-44 to be known as Morris Hills North Subdivision by Morris Hills North LLC, Morris Hills Land Development LLC and Arleeta Rollins located east of TH 63 and north of 41<sup>st</sup> Street N.W.</p> <p>Wishing to be heard was Wade DuMond, Yaggy-Colby, representing the developer. Mr. DuMond said that they were in agreement with the conditions and the additional staff condition "Outlot A is intended to be Public. The conveyance for this Outlot, to the City, will be outlined in the Development Agreement".</p> <p>Wishing to be heard was Dave Kennedy, 925 Northland Place N.E. Mr. Kennedy noted his concern with the 41<sup>st</sup> Street Intersection.</p> <p>Having no one further wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmembers Nowicki moved, Marcoux seconded, to approve Preliminary Plat #04-44 to be known as Morris Hills North Subdivision by Morris Hills North LLC, Morris Hills Land Development LLC and Arleeta Rollins with 13 conditions, adopted Resolution No. 18-05 approving the Substantial Land Alteration, and directed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p>
E-5	<p>A Hearing on Preliminary Plat #04-43 to be known as Southern Meadows by Tom Meilander and Jodi &amp; Perry Kronebusch located along the south side of Pinewood Road SE and west of 34<sup>th</sup> Avenue SE.</p> <p>Wishing to be heard was Josh Johnson, McGhie &amp; Betts, representing the developer. Mr. Johnson said that they are in agreement with all conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Means moved, Hruska seconded, to approve Preliminary Plat #04-43 to be known as Southern Meadows by Tom Meilander and Jodi &amp; Perry Kronebusch with seven conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p>

Agenda Item	
G-2a	An Ordinance Establishing the Salaries of the Mayor, Councilmember-At-Large, and Councilmember for 2005, was given a first reading.
G-2b	An Ordinance Amending and Reenacting Subdivision 1 of Section 138A.04 and Subdivision 1 of Section 138.06 of the Rochester Code of Ordinances, Relating to Unauthorized Residential Parking Permits, was given a first reading.
G-3a	An Ordinance Annexing to the City of Rochester Approximately 6.42 acres of Land Located in the Northwest Quarter of the Southwest Quarter of Section 19, Township 107 North, Range 13 West, Olmsted County, Minnesota was given a second reading. Councilmembers Marcoux moved, Nowicki seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried. (Annexation Petition #04-20, south of East Circle Drive, west of Rocky Creek Drive NE)
G-3b	An Ordinance Rezoning Approximately 26.74 Acres of Property from the R-1 Zoning District to the R-3 Zoning District and Rezoning Approximately 22.23 Acres of Property from the R-1 Zoning District to the R-1x Zoning District, and Amending Ordinance No. 2785, known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota was given a second reading. Councilmembers Carr moved, Marcoux seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried. (Zoning District Amendment #04-17)
J-1	Having no further business, Councilmembers Nowicki moved, Hruska seconded, to adjourn the meeting. Ayes (7), Nays (0). Motion carried.

  
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City Clerk